

Tuesday, April 07, 2015

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Bruce S. Gibson, Adam Hill, Lynn Compton and Chairperson Debbie Arnold

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON DEBBIE ARNOLD.

Consent Agenda – Review and Approval:

1-18. This is the time set for consideration of the Consent Agenda.

Chairperson Arnold: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 18 on the following vote is indicated for each item.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Items: Set for Hearing:

1. Introduction of an amendment to the Health and Sanitation Ordinance, Title 8 of the San Luis Obispo County Code relating to regulation of the exportation of groundwater and request to authorize alternative publication procedures. Hearing date set for April 14, 2015. All Districts.

Mr. Cheryl Cochran – Department of Planning and Building: amends Recommendation No. 1 to correct the reference to Attachment 1 to read Attachment A; and amends Recommendation No. 2 to clarify the date the Clerk is directed to publish the notice.

Mr. Greg Grewall and Mr. Bill Pelfrey: speak.

Mr. Wade Horton – Department of Public Works Director: speaks.

This item is amended to correct the reference the attachment in Recommendation No. 1 to read Attachment A not Attachment 1; and to correct the date the Clerk is directed to publish the notice in Recommendation No. 2. The notice is to be published on or before April 9, 2015 not April 8, 2015. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

2. Introduction of an ordinance amending Title 6 (Business Licenses and Regulations) of the County Code to provide consistency, clarity, and ease of reference for County residents and those agencies that have regulatory authority for County Business Licenses and a request that the Board authorize alternative publication providing notice of the hearing and summarizing the proposed ordinance. Hearing Date set for April 21, 2015. All Districts.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Administrative Office Items:

3. Submittal of resolution proclaiming April 2015 as National County Government Month in San Luis Obispo County. All Districts.

Ms. Whitney Szentesi – Administration Office: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-76, adopted.

4. Request to approve an employment agreement with Daniel Milei as the County's Director of Information Technology. All Districts.

The Board approves as recommended by the County Administrative Officer.

5. Request by the San Luis Obispo Business Improvement District (CBID) to appoint Steve Vinson to the Los Osos/Morro Bay (unincorporated) Local Area Advisory Board. District 2.

The Board approves as recommended by the County Administrative Officer.

6. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to appoint Corinne Smith to the Arroyo Grande/San Luis Obispo (unincorporated) Local Area Advisory Board. Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer.

7. Request by the San Luis Obispo County Tourism Business Improvement District (CBID) to approve five re-appointments to the Cayucos Local Area Advisory Board. District 2.

The Board approves as recommended by the County Administrative Officer.

8. Request to approve an agreement with AEG Cycling related to the Amgen Tour of California Bicycle Race Stage 4 Finish in Avila Beach on May 13, 2015. District 3.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

9. Submittal of a follow-up compliance audit of the Los Osos Water Conservation Rebate Program. District 2.

Mr. Richard Margetson and Ms. Linde Owen: speak.

Mr. Jim Erb - Auditor-Controller, Treasurer, Tax Collector, Public Administrator and Mr. John Waddell – Department of Public Works: speak.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Board of Supervisors Items:

10. Request to appoint Erin Faulkner as a District 5 representative to the Water Resource Advisory Committee Alternate Member. District 5.

The Board approves as recommended by the County Administrative Officer.

11. Request to appoint Jan Hurl to the Shandon Public Cemetery District. District 1.

The Board approves as recommended by the County Administrative Officer.

12. Request to re-appoint Judy Mishoulam to the Commission on Aging. District 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Items:

13. Submittal of a resolution to apply for a 1% interest loan of approximately \$2.2 million with the California Energy Commission (CEC) to implement energy conservation projects in County facilities. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-77, adopted.

Consent Agenda - Health Agency Items:

14. Submittal of a resolution authorizing the County Health Officer as the authorized representative to take actions necessary to participate in the Waste Tire Enforcement Program covering the period from June 29, 2015 through June 29, 2020. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-78, adopted.

15. Submittal of a resolution proclaiming April 6-12, 2015 as "National Public Health Week" in San Luis Obispo County. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-79, adopted.

Consent Agenda - Planning & Building Items:

16. Submittal of a resolution approving the new classification and establishing the salary range of Deputy Director and amending the Position Allocation List (PAL) for Fund Center 142 – Planning and Building, by adding 2.00 FTE Deputy Director and deleting 1.00 FTE Assistant Director and 1.00 FTE Division Manager. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-80, adopted.

Consent Agenda - Public Works Items:

17. Submittal of a resolution vacating a mapped portion of Avocado Avenue (formerly Ash Street) between Tefft and Dana Street by Summary Vacation in the unincorporated community of Nipomo, and finding that the project is exempt from Section 21000 et seq. of the California Public Resources Code (CEQA). District 4.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-81, adopted.

18. Submittal of a resolution authorizing the Director of Public Works to execute engineering reimbursement agreements for County Service Area services associated with utility service requests. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2015-82, adopted.

Public Comment Period:

19. This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Ms. Lynne Dee Althouse: presents a biological update regarding the Topaz Solar Farm.

Mr. Gary Kirkland: comments on a quote by John F. Kennedy; and urges the Chairperson to ask Supervisor Hill and Tom Fulks to join the Coalition of Labor, Agriculture, and Business (COLAB).

Ms. Jeanne Blackwell: discusses various issues regarding water in California.

Mr. Ben DiFatta: speaks to congress members and their benefits; and various conflict of interest issues in the County.

Dr. C. Hite: addresses how the public is treated and the right to freedom of speech.

Mr. Bill Pelfrey: discusses politics of fear.

Ms. Linde Owen: comments on the Los Osos Wastewater Project (LOWWP).

Mr. David Weisman - Alliance for Nuclear Responsibility: asks the Board to support Assembly Bill (AB) 361.

Ms. Rochelle Becker - Alliance for Nuclear Responsibility: requests the Board support a study on how the community and State would be prepared if nuclear power plants ceased to operate.

Ms. Cindy Steinbeck: speaks to local control relating to the water district (documents); and requests the Board submit a letter to Assemblyman Katcho Achadjian supporting an amendment AB 2453, with Supervisor Mecham and Chairperson Arnold responding.

Mr. Greg Grewall - WRAC Member and Paso Robles Advisory Committee: comments on water being used to clean curbs and gutters in Paso Robles; and the discussion topics of a recent Farm Bureau meeting.

The Board directs staff to agendize a discussion regarding the feasibility for desalinization.

Motion by: Lynn Compton

Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business:

20. Update on Federal legislative activities by Mike Miller, the Ferguson Group. All Districts.

Chairperson Arnold: opens the floor to public comment.

Mr. Bill Pelfrey; Mr. Greg Grewall; and Mr. Gary Kirkland: speak.

The Board adds to the Legislative Platform, the ability to engage in discussions with the appropriate agencies on the issue of the expanded storage capacity at the Salinas Dam.

Motion by: Frank R. Mecham

Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Hearing:

21. Hearing to consider a request by the County of San Luis Obispo for a resolution amending the Annual Report and Action Plan for Year 2015 regarding the use of the Title 29 – Affordable Housing Fund in order to revise the funding amounts between affordable housing projects. All Districts.

Chairperson Arnold: opens the floor to public comment without response.

RESOLUTION NO. 2015-83, a resolution amending the Annual Report and Action Plan for year 2015 regarding the use of the Title 29 – Affordable Housing Fund of the County of San Luis Obispo, adopted.

Motion by: Frank R. Mecham
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business:

22. Submittal of a report regarding options for improvements to the County’s Animal Shelter Facility located at 885 Oklahoma Avenue, San Luis Obispo. All Districts.

(This item is amended, per the addendum to the agenda, by correcting the tables on Page 8 through 9 in the staff report, showing the percentage of costs distributed between the cities and county for financing of options to improve the Animal Shelter Facility.)

Chairperson Arnold: opens the floor to public comment.

Mr. Shannon Asquith; Ms. Jill Tucker - Woods Humane Society Executive Director; Ms. Joan Carter; Ms. Penny Koines; Ms. Christine Galea; Captain Keith Storton - City of San Luis Obispo Police Department; Ms. Linde Owen; Ms. Dorsey Christianson; Ms. Sheila Steward; Mr. Gary Kirkland; Ms. Joanna Synder; Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB); and Ms. Angela Liddie: speak.

The Board directs staff to move forward with constructing a new animal shelter on an available parcel at the County Operations Center on the east end of Oklahoma Avenue (Option 2 in the staff report).

Motion by: Adam Hill
Second by: Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Closed Session Items:

23. The Board announces they will be going into Closed Session regarding:

PENDING LITIGATION (Gov. Code, section 54956.9.) It is the intention of the Board to meet in closed

session concerning the following items: Conference with Legal Counsel-Existing Litigation (Gov. Code, section 54956.9(a).) (Formally initiated) 1. Mesa Community Alliance v. California Dept. of Parks and Recreation, et al.

CONFERENCE WITH LABOR NEGOTIATOR (Government Code, section 54957.6.) It is the intention of the Board to meet in closed session to have a conference with its Labor Negotiator, Tami Douglas-Schatz, concerning the following employee organizations: 2. San Luis Obispo Government Attorney’s Union; 3. SLOCEA-Trades and Crafts; 4. Deputy County Counsel’s Association; 5. Sheriffs’ Management; 6. SLOCPPOA; 7. Deputy Sheriff’s Association; 8. DAIA; 9. SLOCPMPOA; 10. SLOCEA-Public Services, Supervisors, Clerical; 11. Unrepresented Management and Confidential Employees; and 12. ASLOCDS.

Chairperson Arnold: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Presentations:

- 24. Presentation of the annual report by the Commission on the Status of Women and submittal of resolutions recognizing Kay Heaton, Linda Quesenberry and Andrea Wasko for receiving the "Women's Wall of Fame" Award. All Districts.

Ms. Paula Ufferheide – Commission on the Status of Women Chairperson: speaks.

Ms. Kathy Veder – Commission on the Status of Women Commissioner: introduces the Wall of Fame recipients.

Chairperson Arnold: opens the floor to public comment without response.

The Board receives and files the annual report; **RESOLUTION NO. 2015-84, a resolution recognizing Kay Heaton for receiving the Commission on the Status of Women “Women’s Wall of Fame” award; RESOLUTION NO. 2015-85, a resolution recognizing Linda Quesenberry for receiving the Commission on the Status of Women “Women’s Wall of Fame” award; and RESOLUTION NO. 2015-86, a resolution recognizing Andrea Wasko for receiving the Commission on the Status of Women “Women’s Wall of Fame” award, adopted.**

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

- 25. Submittal of a resolution proclaiming April 2015 "Sexual Assault Awareness Month". All Districts.

Ms. Jennifer Adams – Respect, Inspire, Support, and Empower (RISE) Executive Director: speaks.

Chairperson Arnold: opens the floor to public comment without response.

RESOLUTION NO. 2015-87, a resolution proclaiming April 2015 “Sexual Assault Awareness Month” in San Luis Obispo County, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
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Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

26. Submittal of resolution proclaiming the month of April 2015 as "San Luis Obispo County Crime Victims' Rights Month". All Districts.

Mr. Dan Dow – District Attorney; Ms. Debra Vallely- Victim and Witness Assistance Services Director; Ms. Maria Sanchez; and Ms. Rita Sanchez: speak.

Chairperson Arnold: opens the floor to public comment without response.

RESOLUTION NO. 2015-88, a resolution proclaiming the month of April 2015 as “San Luis Obispo County Crime Victims’ Rights Month”, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Hearings

27. Hearing to consider a resolution declaring the results of majority protest proceedings, establishing the San Luis Obispo County Tourism Marketing District (TMD) within the County of San Luis Obispo and levy of assessments. All Districts.

(This item is amended, per the Addendum to the Agenda, by replacing the resolution to include the Exhibit A and to add the notice and assessment diagram.)

Mr. Dan Buckshi – County Administrative Officer: states they recently discovered that the notice was inadvertently not mailed to approximately 157 vacation rentals and recommends that today’s public hearing be continued to Wednesday, June 10, 2015 in order for lodging businesses to be re-noticed of the public meeting and public hearing. Further, states protests may be received up until the commencement of the public hearing on Wednesday, June 10, 2015; protests already received by the Clerk are still valid and do not need to be re-submitted; and a protest may be withdrawn until the public hearing.

Chairperson Arnold: opens the floor to public comment.

Mr. Jeff Edwards; Ms. Cindy Walton; Ms. Carolyn Stewart-Snow; Ms. Toni LeGras; Ms. Patricia Bennett; Ms. Susan Lyon (chart); and Mr. Andrew Hampp: speak.

The Board continues the public hearing to Wednesday, June 10, 2015; directs the Clerk to publish the Notice of Proposed Assessment by Friday, April 10, 2015 of the public meeting to be held Tuesday, April 21, 2015 and the public hearing to be held Wednesday, June 10, 2015; and mail the Notice of Proposed Assessment and protest form to all lodging business owners in the proposed TMD.

Motion by: Debbie Arnold
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			

Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

Board Business:

28. Update regarding the State Water Resources Control Board’s Grazing Regulatory Action Project. All Districts.

Dr. Royce Larsen – Area Natural Resource Watershed Advisor Cooperative Extension San Luis Obispo County: speaks.

Chairperson Arnold: opens the floor to public comment.

Mr. Ed Hazard; Ms. Joy Fitzhugh – Farm Bureau (letters); Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Mr. Ben Higgins - SLO Cattleman’s Association; Ms. Jeannette Watson; Mr. Greg Grewall; Ms. Elsa Dawson; Mr. Tom Dawson; Ms. Andrea Seastrand; Mr. Bill Pelfrey; and Mr. Gary Kirkland: speak.

On Motion by Supervisor Lynn Compton, seconded by Supervisor Frank R. Mecham, to move forward with a draft a letter outlining the concerns from the initial stakeholder meeting and send it to the State Water Board and Regional Board, is discussed.

Mr. Dan Buckshi – County Administrative Officer: asks for clarification on the motion, with the motion maker responding.

The Board receives and files the update and directs staff to draft a letter in opposition of the Grazing Regulatory Action Project and bring it back to the Board for consideration.

Motion by: Lynn Compton
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

29. Submittal of an informational report by staff regarding Project Labor Agreements. All Districts.

Chairperson Arnold: opens the floor to public comment.

On motion of Supervisor Adam Hill, seconded by Supervisor Bruce S. Gibson, the Board unanimously agrees to continue the meeting past 5:00 P.M.

Mr. Gary Kirkland; Mr. Michael Stanton; Ms. Laura Mordaunt; Mr. Mike Brown – Coalition of Labor, Agriculture, and Business (COLAB); Mr. Dick Johnson; Mr. Brett Whitaker; Ms. Andrea Seastrand; Mr. Dennis Shallenberger; Mr. Tony Skinner; Mr. Richard Bell; Mr. Terry Madonna; Mr. Chuck Huddleston; Ms. Leslie Halls; Mr. Russell Johnson (handout); Mr. Kevin Dayton; Mr. Ralph Valenzuela; Ms. Elsa Dawson; Ms. Rochelle Wagner; and Ms. Beryl Schwartz: speak.

The Board receives and files the informational report.

Motion by: Debbie Arnold
Second by: Lynn Compton

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Arnold, Debbie (Chairperson)	x			
Compton, Lynn (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			

Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **TOMMY GONG**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, April 07, 2015, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

TOMMY GONG, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: April 8, 2015